IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Rothermel and Williams

Serial No.: 09/061,417

Filed: February 13, 2001

For: METHODS AND COMPOSITIONS
     RELATING TO MUSCLE SELECTIVE
     CALCINEURIN INTERACTING
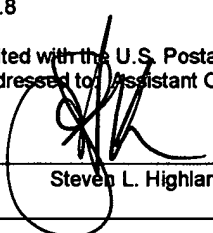   PROTEIN (MCIP)

Group Art Unit: 1653

Examiner   Samuel W. Liu

Atty. Dkt. No.: MYOG:036US/HYL

CERTIFICATE OF MAILING
37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below:

July 1, 2003
_____
Date

_____
Steven L. Highlander

DECLARATION OF BEVERLY ROTHERMEL AND R. SANDERS WILLIAMS

UNDER 37 C.F.R. §1.132

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

We, Beverly Williams and R. Sanders Williams, do declare the following:

1. We are citizens of the United States. Beverly Rothermel resides at 1409 Schumac Lane, Bedford, TX 76022 and R. Sanders Williams resides at 2 Pilling Place, Durham, NC 27707.

2. R. Sanders Williams currently holds the position of Dean of the Medical School at Duke University. Beverly Rothermel currently holds the position of Assistant Professor at The University of Texas Southwestern Medical Center at Dallas.

3. R. Sanders Williams is the first inventor listed as an inventor in the above-captioned application and Beverly Rothermel is the second inventor listed as an inventor for the same.

4. Beverly Rothermel is the first author listed as an author and R. Sanders Williams is the sixth author listed as an author on "A protein encoded within the Down syndrome critical region is enriched in striated muscles and inhibits calcnineurin signaling," J. Biol. Chem., 275:8719-8725, 2000.

5. Rick Vega, John Yang, Hai Wu, and Rhonda Bassel-Duby are listed as authors of the Rothermel et al., paper, but are not inventors on the instant application.

6. The contribution of these individuals to the research discussed in the Rothermel et al., paper is as follows: Rick Vega was a postdoctoral fellow who joined the Williams lab in August of 1999, a year after the MCIP/DSCR1 project was initiated and just prior to the beginning of our intellectual property discussions with our Office for Technology Development. Dr. Vega solely carried out the analysis of the physical interaction of MCIP with calcineurin presented in the paper. John Yang was a postdoctoral fellow who performed the northern blot analysis of MCIP expression. Hai Wu was a graduate student in the lab who carried out some gene reporter assays. Rhonda Bassel-Duby contributed to the writing of the manuscript and provided consultation.
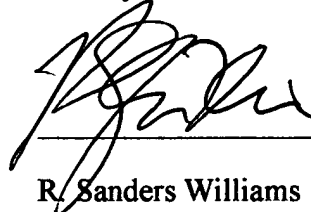
7. Thus, the non-inventor co-authors of the Rothermel *et al.* paper did not make a conceptual contribution to the subject matter of that paper, and now claimed herein.

8. I hereby declare that all statements made of my own knowledge are true and all statements made on information are believed to be true and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

_____

Date

Beverly Rothermel

_____

6/22/03

_____

Date

R. Sanders Williams

7. Thus, the non-inventor co-authors of the Rothermel *et al.* paper did not make a conceptual contribution to the subject matter of that paper, and now claimed herein.

8. I hereby declare that all statements made of my own knowledge are true and all statements made on information are believed to be true and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

_6/11/03_

Date

Beverly Rothermel

Date

R. Sanders Williams